

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:12-cv-00373-MR-DLH**

AL HAMRA TRADING EST.,

Plaintiff,

VS.

**DIAMONDBACK TACTICAL, LLLP,
et al.,**

Defendants.

ORDER

THIS MATTER is before the Court on the Defendants' Motions to Dismiss [Docs. 12, 16, 35] and the Magistrate Judge's Memorandum and Recommendation [Doc. 38] regarding the disposition of those motions.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider the motions to dismiss and to submit a recommendation for their disposition.

On July 9, 2013, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed conclusions of law in support of a recommendation regarding the Defendants' Motions. [Doc.

38]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has expired, and no written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that the Diamondback Defendants' Motion [Doc. 12] and Defendant Herman's Motion [Doc. 35] be denied, and that Defendant Walsh's Motion to Dismiss [Doc. 16] be denied to the extent that it seeks to dismiss the Plaintiff's claims pursuant to Rule 12(b)(6).¹

ORDER

IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation [Doc. 38] is **ACCEPTED**; the Diamondback Defendants' Motion to Dismiss [Doc. 12] is **DENIED**; Defendant Herman's Motion to Dismiss [Doc. 35] is **DENIED**; and Defendant Walsh's Motion to Dismiss

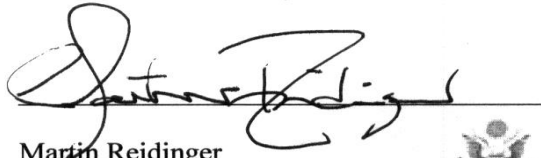
¹ To the extent that Defendant Walsh's motion sought dismissal pursuant to Fed. R. Civ. P. 12(b)(2), the Magistrate Judge denied such motion without prejudice. [See Doc. 39].

[Doc. 16] is **DENIED** to the extent that it seeks to dismiss the Plaintiff's claims pursuant to Rule 12(b)(6).

IT IS FURTHER ORDERED that the Defendants shall file their Answers to the Complaint within fourteen (14) days of the entry of this Order.

IT IS SO ORDERED.

Signed: August 12, 2013


Martin Reidinger
United States District Judge

